Approved For Release 2008/12/08 : CIA-RDP89B00236R000200120016-2

file: FOIA
Washington Post
5 October

Panel Relaxes, Tightens CIA Response to FOIA

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The Senate Intelligence Committee yesterday approved amended legislation that would free the CIA from reviewing its operational files in response to requests under the Freedom of Information Act, but it also announced compromise measures to ensure public access to less sensitive material.

Speaking at the markup of the Intelligence Information Act, committee Chairman Barry Goldwater (R-Ariz.) said that the relief the committee proposes to grant the CIA "will enable the agency to become more efficient so that other FOIA requests may be answered speedily."

The final form of the bill, which was sponsored by Goldwater after the CIA complained of the "unique and serious burdens" imposed by the Freedom of Information Act, spells out precise standards under which the agency can designate files as "operational."

"Our objective," said Sen. Walter D. Huddleston (D-Ky.) "is to ensure that the bill applies only to the most sensitive operational files, and not the files that are used to store the intelligence reports used by analysts and policy-makers."

The proposed legislation also establishes procedures for judicial review in cases of alleged improper file designation or the improper placement of individual documents in "operational" files. Intervention by the courts met initially with opposition from the CIA.

It stipulates also that the designation of a file as operational shall not prevent FOIA requests for information "reviewed and relied upon" in any official investigation of impropriety or illegality in the conduct of intelligence activities.

And, in an important concession to historians and other scholars concerned about the implications of an exemption from FOIA requests, the bill would require the review of the "operational" designation of a file at least once every 10 years.

CIA Director William J. Casey has agreed, if Congress provides the financial resources, to institute a voluntary agency program for the "selective" declassification of designated files.

This, Casey wrote Sen. David F. Durenberger (R-Minn.) in a letter released yesterday, will review . . . materials that we believe would be of greatest historical interest and most likely to result in declassification of useful information."

In June hearings before the committee historians sought a time limit on the operational designation, but the CIA argued that some files could remain sensitive for longer than the 30- or even 50-year-period suggested by the scholars.

"Some agents," Durenberger said in a statement yesterday, "live to be very old; their enemies sometimes live equally long, or keep files on the past, or exact revenge from later generations. Most governments would let bygones of a generation ago be bygones, but maybe not all would. So the committee looked for something other than a rigid time limit."

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